

OWEN SEITEL (SBN 137365)
Email: owen.seitel@idellseitel.com
IDELL & SEITEL LLP
465 California Street, Suite 300
San Francisco, California 94104
Phone: 415-986-2400
Fax: 415-392-9259

JOSHUA R. MATTHEWS
Email: jmatthews@grr.com
GOTTLIEB, RACKMAN & REISMAN
270 Madison Avenue
New York, New York 10016
Telephone: (212) 684-3900
Facsimile: (212) 684-3999

Attorneys for Plaintiff, GREEN RAY LED, LLC

CHRISTOPHER DARROW (TO BE ADMITTED *PRO HAC VICE*)

Email: darrow@youngbasile.com

YOUNG, BASILE, HANLON & MACFARLANE P.C.

3001 W. Big Beaver Road

Suite 624

Troy, MI 48084

Telephone: (248) 244-0115

Facsimile: (248) 649-3338

Acta Mechanica 86 (1991)

Attorneys for Defendant, A

UNITED STATES DISTRICT COURT

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

GREEN RAY LED, LLC,

Plaintiff,

V.

ALTAIR ENGINEERING, INC.

Defendant

| Case No. C 11-00549 CW

**SECOND STIPULATION AND ORDER
CONTINUING CASE MANAGEMENT
CONFERENCE AND CASE
MANAGEMENT CONFERENCE
STATEMENT DEADLINE, AND
STIPULATION EXTENDING TIME
FOR DEFENDANT TO FILE AN
ANSWER OR OTHERWISE RESPOND
TO THE COMPLAINT**

Currently Scheduled Conference:

Date: June 21, 2011

Time: 2:00 p.m.

Courtroom: 2 – Fourth Floor

Hon. Claudia Wilken, Presiding

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Rules 6-1(a) and (b) of the Civil Local Rules of the United States District Court, Northern District of California, Plaintiff GREEN RAY LED, LLC, a Delaware limited liability company (“Plaintiff”), on the one hand, and Defendant ALTAIR ENGINEERING, INC., a Michigan corporation (“Defendant”), on the other hand, hereby agree and stipulate as set forth below.

This Stipulation and Proposed Order are being submitted pursuant to Civil Local Rule 6-1(b) for the purpose of continuing the Case Management Conference (“CMC”) in this case, which is currently scheduled for June 21, 2011, for thirty (30) days, to July 21, 2011, or an alternative date convenient to the Court, as well as continuing the CMC Statement deadline that is tied to the date of the CMC. As set forth in the Recitals below, the parties each believe that good cause exists for the continuation of such CMC in light of the present posture of this case, including that the parties believe they are close to reaching a settlement and require the additional time to finalize their agreement.

RECITALS

WHEREAS, on February 4, 2011, Plaintiff filed a Complaint seeking declaratory judgment against Defendant;

WHEREAS, the Complaint was served on Defendant on May 6, 2011;

WHEREAS, on May 6, 2011, the Court ordered (the “CMC Order”) that a Case Management Conference be held on Tuesday, May 24, 2011, at 2:00 p.m.;

WHEREAS, the CMC Order requires that the parties file a joint Case Management Statement no later than May 17, 2011;

WHEREAS, Plaintiff has served the CMC Order on Defendant;

WHEREAS, on May 16, 2011, Plaintiff filed a Stipulation and [Proposed] Order Continuing Case Management Conference and Case Management Conference Statement Deadline, and Stipulation Extending Time for Defendant to File an Answer or Otherwise Respond to the Complaint;

WHEREAS, on May 19, 2011, the Court issued an Order Granting Stipulation Continuing Case Management Conference and Case Management Statement Deadline, and Stipulation Extending Time for Defendant to File an Answer or Otherwise Respond to the Complaint.

WHEREAS, the parties believe they are close to reaching a settlement and require the additional time to finalize their agreement;

WHEREAS, counsel for Plaintiff and counsel for Defendant have conferred regarding the Case Management Conference; and

WHEREAS, Plaintiff and Defendant agree and stipulate that a continuance of the CMC and CMC Statement deadline for a period of approximately thirty (30) days, to and until July 21, 2011, or an alternative date convenient to the Court, would be appropriate;

WHEREAS, the parties agree and therefore jointly request that the CMC currently scheduled for June 21, 2011, be rescheduled to Thursday, July 21, 2011, or an alternative date convenient to the Court, and that the CMC Statement deadline that is tied to the date of the CMC be continued accordingly;

WHEREAS, the parties agree that Defendant should have an additional thirty (30) days, until July 27, 2011, to file an answer to the Complaint, file any relevant motion (including motions under Rule 12 of the Federal Rules of Civil Procedure) or counterclaim, or otherwise respond to the Complaint.

WHEREAS, the requested time modifications would have no substantial effect on the schedule for this case and would help the parties finalize settlement;

WHEREAS, there has been one previous time modifications in the case; and

WHEREAS, Rule 6-1 of the Civil Local Rules of the United States District Court, Northern District of California, permits the parties to request a modification of fixed deadlines by stipulation in writing; and

WHEREAS, pursuant to Civil Local Rule 6-1(b), a Court Order is required to give effect to this Stipulation with regard to the continuance of the CMC and the deadline to file a joint CMC Statement.

STIPULATION

NOW THEREFORE, Plaintiff and Defendant, by and through their respective undersigned counsel, hereby stipulate as follows:

1. Subject to the Court's calendar, the Case Management Conference in this matter shall be continued to Thursday, July 21, 2011, or an alternative date convenient to the Court;

2. The last day to file a joint Case Management Conference Statement shall be seven (7) days prior to the re-set Case Management Conference; and

3. Defendant Altair Engineering, Inc. may have until July 27, 2011 to file an answer to the Complaint, to file any relevant motion (including motions under Rule 12 of the Federal Rules of Civil Procedure) or counterclaim, or otherwise respond to the Complaint.

SO STIPULATED.

GOTTLIEB, RACKMAN & REISMAN, P.C.
JDELL & SEITEL LLP

Dated: June 13, 2011

By: Owen Seitel
AUGUST 16, 2018 - Blackiff GREEN RAY LED, LLC

YOUNG, BASILE, HANLON & MACFARLANE
P C

Dated: June 13, 2011

By: /s/
Christopher Darrow
*Attorneys for Defendant ALTAIR ENGINEER
Inc.*

ATTESTATION OF CONCURRENCE

I, Owen Seitel, attest that I am one of the attorneys for Plaintiff GREEN RAY LED, LLC, and as the ECF user and filer of this document, I attest that, pursuant to General Order No. 45(X)(B), concurrence in the filing of this document has been obtained from Christopher Darrow, the above signatory.

Dated: June 13, 2011

By: /s/
Owen Seitel

1 **[PROPOSED] ORDER**

2 PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:

3 1. The Case Management Conference in this matter shall be continued to **Tuesday,**
4 **July 26, 2011**, at 2:00 p.m., in Courtroom 2, 4th Floor, 1301 Clay Street, Oakland, California,
5 94612;

6 2. The last day to file a supplemental joint case management conference statement
7 shall be **Tuesday, July 19, 2011**; and

8 3. Plaintiff is directed to serve a copy of this Order at once on all parties to this
9 action in accordance with the provisions of Rule 5 of the Federal Rules of Civil Procedure and
10 Civil Local Rule 5. Following service, the party causing the service shall file a certificate of
11 service with the Clerk of Court.

12 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

13 Dated: 6/16/2011



14 Hon. Claudia Wilken
15 Judge of the United States District Court
16 Northern District of California